

THE EVOLUTION OF THE EUROPEAN COMMUNITIES TOWARDS THE EUROPEAN UNION IN THE LIGHT OF THE REFORM TREATIES

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Abstract

The European project embodied in the European Union (EU) today is in a continuous process of development, a process that has lasted over six decades. Throughout this period, the development of the European Communities has been marked by two main directions: on the one hand, the enlargement by the accession of new Member States and, on the other, by the adoption of reform treaties to ensure the good functioning of the European Communities. Based on these premises, the importance of this study lies in identifying and highlighting the reforms implemented by each treaty. In this regard, the objectives are to analyze the post-war situation on the European continent and the historical context in which the European Communities have been established, as well as to analyze the complex evolution of the Community system, with a focus on clarifying aspects related to the establishment of the European Union by analyzing the provisions of the Modifying Treaties.

Key words: European Communities evolution, Reform Treaties, accession of new Member States, enlargement, Treaty of Amsterdam, Treaty of Nice, Treaty of Lisbon.

1. Introduction

It is well known that the European Union (EU), after more than six decades of development, has become a European-level decision-maker and not only a reference point in the whole world as regards the concept of stability, democracy and respecting the human rights. Its effectiveness in the last period has been materialized by its real contribution, on the one hand, to ensuring the peace and security of the Member States and, on the other hand, to the development of cooperation between them on numerous plans.

Considering that our country is an eleven-year member state and Romanian citizens are also full-fledged European citizens, knowing how the European Union (EU) has evolved over time should be an obligation not just an option which will lead to the awareness and involvement of each citizen at the level of the community and society to which it belongs, locally, regionally, nationally or European, in order to maintain an authentic democratic life.

Thus, the importance of this study lies in informing the Romanian citizens and not only on the evolution, organization and functioning of the European Union (EU). Therefore, the provision of clear and concise information in its elaboration was carried out by consulting primary sources and edited documents, specialized papers published by specialists in the field.

Although there are a lot of papers that analyze the European Union (EU) from an evolutionary point of view, there are still some confusions about it, especially during the Maastricht Treaty and the Lisbon Treaty, which is why we consider that highlighting the novelty issues introduced by each reform treaty in part, the present study will help to increase knowledge in the field.

2. The evolution of the idea of European unity

The idea of European integration or union was not an original one, specific to the past century, but one of the desires of European thinking, as shown by the many projects that have been going on over the course of time. We can say that through the goal of unification, the European continent has managed to create a special artistic and literary movement, a common political thought, homogeneous judicial precepts and religious beliefs¹.

Therefore, the history of the European idea is a history of the unification and integration of the states of the old continent, which has its origins since antiquity, in this sense requiring a historical retrospective of the attempts to achieve a United Europe. Hence, this dream has existed since ancient times in the course of centuries, forming four types of unitary projects of community relevance: unity by force, unity according to principle, unity in diversity, and unity through mutual agreement².

It has been noticed in time that the attempts to unify by force have had no success. It demonstrates the gap created by the disappearance of the great empires; thus unity between the peoples of the old continent, including its existence at the level of spiritual consciousness; an important role in Christianity. It turned out, however, that the assertion of modern sovereign states needed a much stronger binder to unite them than the religious one. Thus, starting with the 18th century, the incipient phases of some peace and European unity assurance projects are seen. We are reminded of the 1739 abbey of Saint Pierre, who was convinced that in order to avoid the wars, a perpetual alliance should have been concluded to obey a "European senate" with a common army maintained by financial contributions from all Member States³.

The next project is Jeremy Bentham's "plan of an eternal universal peace", which was intended to conclude a general and permanent treaty, first accepted by England and France, to guarantee peace in Europe⁴. Immanuel Kant came up with the proposal of a "philosophical project of permanent peace aimed at establishing a new society, a "state of nations", and federal type by concluding alliances between states that would guarantee the security and protection of all states⁵.

Later, in 1872, Victor Hugo, in the work of the Lugano Peace Congress, addressed a clear message stating that "we would have the United States of Europe for sure"⁶. In his speech, which sounds like a prophecy⁷, he was clearly convinced that someday the two huge forces of the world, the United States of America, and the United States of Europe, on the other hand, would come to work on all the plans for the good of all humanity⁸.

The outbreak of the First World War led to the rejection of all the projects, the ideas, and why not all the hopes of a lasting peace. In this context, in order to avoid the tragedies of a new conflagration, the states of Europe decided to create, in 1919 on June 28, Versailles the League of Nations. This organization has the clear aim of guaranteeing peace, respecting the independence and territorial integrity of all Member States by pursuing a collective security system, preventing the emergence of a new world war⁹. Nevertheless, between the two world wars there is a tension in the international relations due to the states dissatisfied with the order established at the Paris Peace Conference begin to promote a revisionist policy to the detriment of territorial integrity, the indivisibility of peace and international collaboration¹⁰.

¹ Iordan Gheorghe Barbulescu, *Procesul decizional în Uniunea Europeană*, (Iasi: Polirom, 2008), 33.

² Dan Vătăman, *Uniunea Europeană, Ghid practic de specialitate*, (Bucharest: Pro Universitaria, 2015), 29.

³ Charles-Irénée Castel de Saint-Pierre, *Projet pour rendre la paix perpetuelle en Europe*, (Utrecht: 1713).

⁴ Jeremy Bentham, "A Plan for a Universal and Perpetual Peace" in *An Introduction to the Principles of Morals and Legislation*, (London: J.H. Burns & H.L.A. Hart, 1970).

⁵ Dan Vătăman, *Uniunea Europeană*, 31.

⁶ Victor Hugo, *Lettre aux membres du Congrès de la Paix*, (Lugano, 20 September 1872), <http://www.access-to-culture.eu> (accessed on 20-XI-2018).

⁷ Dan Vătăman, *Uniunea Europeană*, 32.

⁸ Victor Hugo, "Un jour viendra", in *Lettre aux membres du Congrès de la Paix*, (Lugano, 20 September 1872), http://lesartistes.pagesperso-orange.fr/Victor_Hugo.html, (accessed on 20-XI-2018).

⁹ Iordan Gheorghe Barbulescu, *O nouă Europă, Identitate și model european*, (Iasi: Polirom, 2015), 35.

¹⁰ *Ibid*, 23.

The need for a European construction became more and more stringent. In this respect, the year 1929 marks the transition from the phase of the theory of European unification to that of the actual action¹¹. Thus, Aristide Briand, the French Foreign Minister, in his speech at the 10th Session of the General Assembly of the League of Nations on September 5, 1929, launches the idea of a plan to establish the United States of Europe¹².

By his foreign minister, Gustav Stresemann, Germany was in favor of such a union by creating a new market in Europe, rationalizing the economy of the old continent, and integrating it into the world. The death of the German minister, however, sealed the fate of Germany's foreign policy which, with the coming to power of the First Brüning cabinet, became a policy that helped revisionist nationalism, rejecting any idea aimed at creating a European Union¹³.

All these efforts towards European unification have not had the expected outcome, because by the outbreak of the Second World War the European countries had to reconsider their strategy. After the end of the Second World War, Europe, which had been severely affected by military operations, received aid for reconstruction from the United States of America through the Truman Doctrine and the Marshall Plan. The old continent, however, needed mechanisms aimed primarily at avoiding a new conflict on its territory. Thus, the establishment of NATO¹⁴, by signing the Founding Act - the Washington Treaty on 4 April 1949, was an important step for Europe's collective defense, and the Member States thus joined the system of security guarantees enshrined in Article 5 of the Treaty, which legally consented to the US involvement in defending the old continent¹⁵.

3. Establishment of the European Communities: the first step in the evolution of the European project

3.1. The Treaty establishing the European Coal and Steel Community

After the end of the Second World War, the serious consequences and the constant danger between the East and the West made the Franco-German reconciliation an essential priority. To this end, in order to prevent new conflicts in Europe, the process of European integration resulted in the establishment of the first European Coal and Steel Community (ECSC).

Drawing on Jean Monnet's idea, Robert Schuman (French Foreign Minister), through his famous statement of 9 May 1950, came up with the proposal to bring together coal and steel production of France and Germany under a High Authority in an open, and to other European states. After long negotiations, the Treaty establishing the European Coal and Steel Community was finally signed in Paris on 18 April 1951 by six founding Member States: France, Germany, Italy and the Benelux States¹⁶. It entered into force on 23 July 1952 for a period of fifty years and it ceased to exist on 23 July 2002.

One of the important objectives of the ECSC provided for in Article 2 of the Treaty is the creation of a common market for coal and steel¹⁷. This market provided for the free movement of duty free products also prohibited discriminatory measures, subsidies, aids or special obligations imposed by individual Member States.

As regards the structure of the ECSC Treaty, it comprises four chapters. The first relates to the ECSC, the second to the Community institutions, the third to the economic and social provisions and the last to the general provisions. The Treaty also includes two protocols one on the Court of Justice and the other on relations between the ECSC and the European Council¹⁸.

¹¹ Dan Vătăman, *Uniunea Europeană*, (Bucharest: Pro Universitaria, 2015), 33.

¹² Aristide Briand, *Discours devant la Xe session de l'Assemblée de la Société des Nations*, (Geneva, 5 September 1929), <https://fresques.ina.fr/jalons/fiche-media/InaEdu02042/discours-d-aristide-briand-devant-la-sdn-du-7-septembre-1929.html>, (accessed on 20-XI-2018).

¹³ Dan Vătăman, *Istoria Uniunii Europene*, (Bucharest: Pro Universitaria), 23.

¹⁴ NATO - general information – Ministry of Foreign Affairs. Available at <https://www.mae.ro/mode/5337>, (accessed on 20-XI-2018).

¹⁵ Iordan Gheorghe Bărbulescu, *O nouă Europă, Identitate și model european*, 97.

¹⁶ John Pinder, *Uniunea Europeană*, (Bucharest: Bic All, 2001), 9.

¹⁷ Articles 2, *Treaty establishing the European Coal and Steel Community*, (Paris, 18 April 1951), <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:11951K:EN:PDF>, (accessed on 20-XI-2018).

¹⁸ *Ibid*

The importance of ECSC Treaty stems from the fact that it is the foundation or rather the basis of the current European institutions. In this respect, it provides for the creation of four Community bodies: the High Authority, a Joint Assembly, a Council of Ministers and a Court of Justice. The novelty of this Treaty is that through these institutional bodies the Community has earned its own legal personality distinct from that of the states that created it¹⁹. The aim of creating a common market for coal and steel was to find a formula that would gradually expand to other economic areas, eventually leading to a political Europe²⁰.

3.2. *The Treaty establishing the European Economic Community*

After the entry into force of the ECSC Treaty in 1952, the six founding states have attempted to orientate this model to other areas, and the creation of a European defense community has been proposed. However, this first integration effort has shown its limits very soon, with the European Defense Project being abandoned in 1954, when France decided to postpone the discussion of this document²¹.

Against this background, the resumption of the European project was called into question at the European conference in Messina (1- 5 June 1955)²² when a Memorandum²³ drafted by the Benelux states was proposed, proposing the next step on the road to European integration that had to be done first in the economic sphere. As a result, in June 1956, a committee was established under the chairmanship of the Belgian Foreign Minister, Paul-Henri Spaak, who was working in Brussels²⁴. The Spaak report had proposals on the organization of an investment fund to ensure a balanced development of the common market, and the report also recommends, due to the high costs of nuclear research and development, a nuclear energy integration program.

Concluding, the adoption of this report at the Venice meeting of 29-30 May 1956 constituted the basis for negotiations on future treaties²⁵. Following the conclusion of the negotiations, on 25 March 1957, in the Capitol Square in Rome, the representatives of the six countries that had established the ECSC, signed the Treaty establishing the European Economic Community (EEC), the Treaty establishing the European Atomic Energy Community (EAEC) and the Convention on Certain Institutions European Communities. The ratifications without problems have led to the entry into force of the two treaties starting with 1 January 1958.

In the public opinion, the idea that the establishment of the European Economic Community (EEC) is the act of birth of the European Union today. By establishing the EEC, the main purpose of the Community was to create a common market by means of a common economic action of all the Member States, a harmonious development of economic activities, an improvement in living conditions and closer relations between states, relations to strengthen peace and freedom, and other European countries are invited to join these efforts²⁶.

Concluding, the EEC Treaty provided for the creation of a common market based on the "four freedoms", which are the free movement of persons, services, goods and capital. The next provision was to establish a customs union and develop common policies such as the common agricultural policy, the common commercial policy and transport policy.

In order to operate, however, it needed a legal basis, so the European Economic Community (EEC) is endowed with a parliamentary assembly, a ministerial council, a commission and a Court of Justice²⁷.

¹⁹ Dan Vătăman, *Uniunea Europeană., Ghid practic de specialitate* (Bucharest: Pro Universitaria, 2015), 43.

²⁰ *Treaty establishing the European Coal and Steel Community.*

²¹ Dan Vătăman, *Istoria Uniunii Europene*, 37.

²² Augustin Fuerea, *Manualul Uniunii Europene*, (Bucharest: Universul Juridic, 2004), 16.

²³ https://www.cvce.eu/.../obj/the_benelux_memorandum-en-5, (accessed on 20-XII-2018).

²⁴ *Treaty establishing the European Economic Community*, (Rome, 25 March 1957), https://www.cvce.eu/en/obj/treaty_establishing_the_european_economic_community_rome_25_march_1957-en-cca6ba28-0bf3-4ce6-8a76-6b0b3252696e.html, (accessed on 21-XI-2018).

²⁵ Dan Vătăman, *Uniunea Europeană*, 44.

²⁶ Articles 2 of EEC Treaty

²⁷ Article 4 of EEC Treaty

3.3. *The Treaty establishing the European Atomic Energy Community*

According to Article 1 of the Treaty establishing the European Atomic Energy Community (EAEC), the main purpose of the Community was to create and develop a European nuclear industry, requiring a number of tasks, namely: research development and dissemination of technical knowledge; establishing unitary security rules for the health protection of the population; facilitating investment and ensuring, in particular by encouraging companies' initiatives, the deployment of the basic facilities needed to develop Member States' nuclear energy; assuming a regulatory function of supplying the Community with nuclear fuel and ores; ensuring by controls that the use of nuclear material is not diverted for purposes other than those for which it was intended; the exercise of the proprietary right which is recognized on special fission materials; ensuring a market outlet and access to the best technical means through the free movement of capital for nuclear investment and the freedom to hire specialists in the Community; the establishment with other states and international organizations of any links that can promote progress in the peaceful use of nuclear energy.²⁸

In order to carry out these tasks, the EAEC has been provided with four bodies, namely: a Parliamentary Assembly, a Ministerial Council, a Commission, a Court of Justice²⁹. Under the EAEC Treaty, "each institution shall act within the limits of the powers conferred by the Treaty". The same Article provided that both the Commission and the Council shall be assisted by an Economic and Social Committee acting in an advisory capacity.

As regards the legal personality of the European Atomic Energy Community, this is provided in Article 184 of EAEC Treaty. In addition, Article 185 stated that "in each of the Member States, the Community shall enjoy the most extensive legal capacity accorded to legal persons under their laws; it may, in particular, to acquire or dispose of movable and immovable property and may be a party to legal proceedings".

The emergence of the EEC and the EAEC did not lead to the disappearance of the ECSC. From now on we will talk about three European Communities: the ECSC (until it dissolves upon the expiry of the 50-year period for which the EC had absorbed some of its functions), the EEC (which will later become the EC) and the EAEC³⁰.

4. The evolution of the European Communities to the European Union

4.1. *The enlargement of the European Communities*

The establishment of the three European Communities has initiated an evolving process of the Community system, a complex process that has developed in two directions: on the one hand, the enlargement of the Communities through the reception of new Member States, and, on the other, the establishment of reform treaties to ensure the good functioning of the new coopted countries³¹. The six founding states (France, Italy, Belgium, the Netherlands, and Luxembourg), who were the main engine of European construction, foresaw the possibility of expanding the Communities by co-opting new member states from the preliminary stages of the drafting of the institutional treaties.

As a result, on 22 January 1972, the Treaty concerning the accession to the European Communities of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland was signed in Brussels³². On January 11, 1973, Ireland, the United Kingdom and Denmark are the first step towards the first enlargement of the European Communities. Norway, following the referendum on 25 September 1972 on the ratification of the Accession Treaty, with most of the votes being negative to membership, quit³³.

²⁸Treaty establishing the European Atomic Energy Community, (Rome, 25 March 1957), https://www.cvce.eu/en/obj/treaty_establishing_the_european_atomic_energy_community_rome_25_march_1957-en-a3390764-3e75-421b-9c85-f52de5a14c2f.html, (accessed on 22-XI-2018).

²⁹ Article 3 of the EAEC Treaty

³⁰ Iordan Gheorghe Bărbulescu, *Procesul decizional în Uniunea Europeană*, (Iași: Polirom, 2008), 47.

³¹ Dan Vătăman, *Instituțiile Uniunii Europene*, (Bucharest: Universul Juridic, 2011).

³² The accession treaties can be retrieved at: <https://eur-lex.europa.eu/collection/eu-law/treaties/treaties-accesion.html?locale.ro>, (accessed on 22-XI-2018).

³³ Jose Echkenazi, *Ghidul Uniunii Europene*, (Bucharest: Niculescu, 2001), 8.

The end of the dictatorships in Greece, Spain and Portugal and the democratization of these countries in southern Europe eventually led to their integration into the EC³⁴. Thus, following a series of negotiations, Greece is the next state that submits its application for membership in June 1975 and signs the treaty on May 28, 1979³⁵. But it enters into force on 1 January 1981, with the EC moving from nine members to ten.

Portugal is requesting the accession in March 1977 and Spain in July of the same year. The Council endorsed the applications on 21 September 1977 and the accession negotiations began in October 1978 with Portugal and with Spain in February 1979 and ended on 12 June 1985 with the signing of the Accession Treaties to those two countries³⁶. Thus, Spain and Portugal become members of the EC on 1 January 1986, so in 35 years of evolution, the EC doubles its membership to twelve³⁷.

On January 1, 1995, Austria, Finland and Sweden joined the 12 countries with a view to a unified internal market. Further negotiations are ongoing, following further progress on 1 May 2004, other ten countries join: Cyprus, Estonia, Latvia, Lithuania, Malta, Poland, the Czech Republic, Slovakia, Slovenia and Hungary, with the number of Member States reaching 25³⁸.

The next enlargement took place on 1 January 2007 when our country and Bulgaria become a full member state of the European Communities, now the European Union. The Accession Treaty was signed on 25 April 2005 in Luxembourg³⁹. On July 1, 2013, the last enlargement of the European Union will take place through the accession of Croatia, bringing the number of member states to 28⁴⁰.

4.2. *The Single European Act*

The Single European Act was signed in Luxembourg on 17 February 1986 by nine Member States and on 28 February 1986 by Denmark, Italy and Greece, as the European Communities were to extend to 12 Member States and represent the first major change of the Treaty establishing the European Economic Community (EEC), which entered into force on 1 July 1987⁴¹.

Several steps have been taken leading to the signature of the Single European Act. Of particular importance was the signing of the Stuttgart Declaration on the European Union signed on 19 June 1983 by the Heads of State meeting in the European Council⁴². The objective of the document was to further consolidate and further develop the Communities by strengthening existing policies and developing new policies under the Paris and Rome Treaties, by intensifying consultation between Member States, defining common principles, and by closer co-operation between their diplomatic missions in other countries⁴³.

The European Commission, headed by Jacques Delors, further developed a White Paper identifying 279 measures needed to complete the internal market. The book set a timetable and the deadline of 31 December 1992 for its implementation⁴⁴. The European Council in Milan on 28 and 29 June 1985 endorsed the Commission's White Paper on the Single Market and proposed to convene an Intergovernmental Conference (IGC) to be opened during the Luxembourg Presidency on 9 September 1985 and ending at The Hague at February 28,

³⁴ Iordan Gheorghe Bărbulescu, *Procesul decizional în Uniunea Europeană*, (Iași: Polirom, 2008), 52.

³⁵ The Treaty was published in the Official Journal of the European Communities L 291 of 19.11.1979.

³⁶ The Treaty was published in the Official Journal of the European Communities L 302 of 15.11.1985.

³⁷ Augustin Fuerea, *Instituțiile Uniunii Europene*, (Bucharest: Universul Juridic, 2002), 35.

³⁸ Iordan Gheorghe Bărbulescu, *UE. Politicile extinderii*, (Bucharest: Tritonic, 2006), 57.

³⁹ The accession treaties can be retrieved at: <https://eur-lex.europa.eu/collection/eu-law/treaties-accesion.html?locale=en>, (accessed on 24-XI-2018).

⁴⁰ *The Treaty on the accession of the Republic of Croatia to the European Union* was published in the Official Journal of the European Union L 112/6 of 24.4.2012, (accessed on 24-XI-2018).

⁴¹ <http://eur-lex.europa.eu/legal-content/RO/TXT/?uri=LEGISSUM%3Axy0027>, (accessed on 22-XI-2018).

⁴² *Déclaration solennelle sur l'Union européenne*, (Stuttgart, 19 June 1983),

https://www.cvce.eu/obj/declaration_solennelle_sur_l_union_europeenne_stuttgart_19_juin_1983-fr-a2e74239-a12b-4efc-b4ce-cd3dee9cf71d.html, (accessed on 25-XI-2018).

⁴³ *Ibid*

⁴⁴ <http://eur-lex.europa.eu/legal-content/RO/TXT/?uri=LEGISSUM%3Axy0027>, (accessed on 26-XI-2018).

1986⁴⁵. So the main objective of the Single European Act was to relaunch the European construction process with the aim of completing the internal market. This could not be done on the basis of the existing treaties, mainly because of the vote of unanimity in the field of legislative harmonization⁴⁶.

That is why the Intergovernmental Conference which led to the Single European Act played a double role on the one hand, the conclusion of a treaty on common foreign and security policy and, on the other, the drafting of an act amending the EEC Treaty, particularly as regards the decision-making procedure within the Council; the powers of the Commission; the powers of the European Parliament; extending the powers of the Communities⁴⁷.

As a consequence, the novelties brought by the Single European Act refer to institutional reform, with the formal recognition of the existence of the European Council, as well as the instinct for Parliament to be associated for the first time in the legislative process. The Single European Act established the double jurisdiction by creating the Court of First Instance, extending the jurisdiction of the Court of Justice and also extending the Commission's powers in the executive branch⁴⁸.

As a conclusion, through the creation of new Community competences and the reform of the institutions, the Single European Act of the Single Market opens the way for political integration and the economic and monetary union, which will be established later⁴⁹. The Single European Act would inevitably lead to the Treaty of the European Union (TEU)⁵⁰.

4.3 The Maastricht Treaty

The Treaty on European Union (also known as "Maastricht Treaty") was signed by the Ministers of Foreign Affairs and Finance of the twelve Member States on 7 February 1992 in Maastricht - Netherlands, and came into force on 1 January 1993.

According to Article A of the Maastricht Treaty, the High Contracting Parties establish among themselves a European Union, hereinafter called "the Union". The Union shall be founded on the European Communities, supplemented by the policies and forms of cooperation established by this Treaty. Its task shall be to organize, in a manner demonstrating consistency and solidarity, relations between the Member States and between their peoples.⁵¹

Under the Maastricht Treaty, the main objectives of the European Union were: promoting balanced and sustainable economic and social progress; affirming their own identity at international level by promoting a common foreign and security policy; strengthening the protection of the rights and interests of the citizens of the Member States by establishing a Union Citizenship; the development of close cooperation in the field of justice and home affairs; the full maintenance of community achievements and their development⁵².

The novelties brought about by the Maastricht Treaty were: the establishment of the European Union as a structure based on three pillars. The first to include the three EEC European Communities becoming the EC, which could take decisions in the areas of free movement of goods, persons, services and capital; agriculture; transport; social policy; culture⁵³. As regards the second pillar on which the EU is based, the Maastricht Treaty has adopted a Common Foreign and Security Policy (CFSP) to address all EU security issues, and the prospect of a common defense policy⁵⁴.

⁴⁵ Dan Vătăman, *Uniunea Europeană*, (Bucharest: Pro Universitaria, 2015), 55.

⁴⁶ Sterian Dumitrescu, *Construcția europeană; Uniunea Europeană*, (Pitești: Independența economică, 2008), 52.

⁴⁷ *Single European Act* - Official Journal of the European Union L 169, 29.6.1987, p. 1-28.

⁴⁸ *Ibid*

⁴⁹ Valerică Nistor, *Drept social european*, (Galați: Danubius Academic Foundation, 2004), 89.

⁵⁰ William Wallace, *Procesul politic în Uniunea Europeană*, (Bucharest: ARC, 2004), 37

⁵¹ Official Journal of the European Communities C 191, 29/07/1992 p. 1 - 110

⁵² Article B of the Maastricht Treaty

⁵³ Dan Vătăman, *Instituțiile Uniunii Europene*, (Bucharest: Universul Juridic, 2011), 45.

⁵⁴ Article J of the Maastricht Treaty

Institutional provisions: the Treaty extended the powers of the European Parliament (co decision procedure); democratization was also stood and the EP's control over the Commission was actually carried out; the Maastricht Treaty also provided for the establishment of the Committee of the Regions, an advisory body made up of representatives of regional authorities; European citizenship; European citizenship did not replace national citizenship but was complementary by adding new rights; the right to move and reside freely within the territory of the Member States; the economic and monetary union provided for in Article B TEU was the long-awaited catalyst for all, thus opening up the most important political page in the history of the Community⁵⁵.

The importance of the Maastricht Treaty, which represents the birth certificate of the European Union, is overwhelming because it brought together the three Communities (EURATOM, ECSC, and EEC) and the political co-operation institutionalized in the field of foreign and defense policy in a single ensemble called the European Union, police and justice. It renamed the EEC, which became the CE. In addition, this treaty established economic and monetary union, introducing new Community policies on education, culture, development cooperation, cohesion⁵⁶.

5. The Reform Treaties after the establishment of the European Union

5.1. The Amsterdam Treaty

After the Europe of the 15 has been implemented, the consolidation of the European institutions was pursued, this being done in a first stage by Treaty of Amsterdam.

The Treaty of Amsterdam was signed on 2 October 1997 by the representatives of the 15 Member States of the European Union, after ratification of the Treaty, which entered into force on 1 May 1999⁵⁷.

The Treaty of Amsterdam is one of the most important treaties in the field of the Community, thus achieving an important step in the unification of Europe and achieving the common objectives of the EU Member States. Together with the Treaties of Paris, Rome and Maastricht on the European Community, Amsterdam recognizes the idea of specialists to consolidate and realize the most stable and sustainable Europe from an economic, social and cultural point of view⁵⁸.

Through this treaty, the European Union knows to some extent some transformations. New tasks are entrusted to him, and the democratic character of this institution is strengthened. He modifies and complements that of Maastricht, especially in certain points: the role of the citizen is emphasized; provides for the removal of the last obstacles to the free movement of goods and services, with each Member State having to cooperate more closely within Europol; another important provision of the Treaty concerns the creation of institutions or procedures capable of ensuring the smooth functioning of a Union comprising Central and Eastern European countries (joint decisions, qualified majority, appointment of the President of the Commission with Parliament's approval, etc.)

New elements introduced by the Treaty of Amsterdam on the Community institutions reform in the perspective of the enlargement of the European Union can be found in Article 137 of the EC Treaty, which in an added paragraph provided that "the number of Members of the European Parliament shall not exceed seven hundred". Therewith, the amended Article 138 stated that "the European Parliament shall draw up a proposal for elections by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States".

⁵⁵ Iordan Gheorghe Bărbulescu, *O nouă Europă, identitate și model european*, 58.

⁵⁶ <http://eur-lex.europa.eu/legal-content/RO/TXT/?uri=LEGISSUM%3Axy0027> (accessed on 29-XI-2018).

⁵⁷ <https://eur.europa.eu/legal-content/ro/LSU/?uri:CELEX:11997D/TXT>, (accessed on 29-XI-2018).

⁵⁸ Nicolae Bogdan Stănescu, *Uniunea Europeană în lumina Tratatului de la Amsterdam, Drept românesc contemporan*, (Târgu Mureș: Veritas, 1999), 337.

Another novelty of the Treaty is the extension to the Council of a qualified majority vote in the following areas: orientation and encouragement in the field of labor, free movement of persons, special regimes for foreign citizens, public health, equal opportunities and treatment of women and men was another element of novelty⁵⁹.

Through the reform of Pillar II on Common Foreign and Security Policy, the Treaty of Amsterdam brings about a number of changes: the post of High Representative in the CFSP field to assist the Council on Common Foreign and Security Policy⁶⁰; a "Policy Planning and Rapid Alert Unit" consisting of diplomats and officials at the disposal of the Council is also set up to supervise, analyze and provide timely evaluations and rapid alert in case of suspected events or situations. Another novelty of the Treaty of Amsterdam provides that "when it is necessary to conclude an agreement with one or more States or international organizations in implementation of this Title, the Council, acting unanimously, may authorize the Presidency, assisted by the Commission as appropriate, to open negotiations to that effect. Such agreements shall be concluded by the Council acting unanimously on a recommendation from the Presidency. No agreement shall be binding on a Member State whose representative in the Council states that it has to comply with the requirements of its own constitutional procedure; the other members of the Council may agree that the agreement shall apply provisionally to them".⁶¹

A reform is also carried out under Pillar III, the Treaty of Amsterdam reformed the content of Title VI of the EU Treaty (COOPERATION IN THE FIELD OF JUSTICE AND HOME AFFAIRS - JHA), which is renamed "PROVISIONS ON POLICE AND JUDICIAL COOPERATION IN CRIMINAL MATTERS". In the same time, some of the domains that belonged to the third pillar were moved to the first pillar (such as asylum and immigration), and thus the new Title VI contained provisions regarding activities to prevent and combat racism and xenophobia, terrorism, trafficking in human beings and crimes against children, drug trafficking, arms trafficking, corruption and fraud.⁶²

5.2. *The Treaty of Nice*

The Treaty of Nice was finalized at the Nice European Council on 10 December 2000 and signed on 26 February 2001. It came into force on 1 February 2003.

As regards the structure of the Treaty of Nice, it contains a preamble, two parts and four protocols. The first part is made up of six articles and brings the following substantive changes: Article 1 amends the Treaty of the European Union; Article 2 amends the Treaty establishing the European Community; Article 3 amends the Treaty establishing the European Atomic Energy Community (EURATOM); Article 4 amends the Treaty establishing the European Coal and Steel Community (ECSC); Article 5 amends the Protocol on the Statute of the European System of Central Banks and of the European Central Bank; Article 6 amends the Protocol on the Privileges and Immunities of the European Communities⁶³.

The second part of the treaty contains 6 articles (Articles 7-13), bringing transient and final changes. There are also four protocols on the enlargement of the European Union, the composition of Parliament and the Commission and the weighting of votes in the Council; on the Statute of the Court of Justice and the Court of First Instance; the financial consequences of the expiry of the ECSC Treaty (the European Coal and Steel Community)⁶⁴.

The Treaty of Nice was primarily intended to provide the legal basis for the next major enlargement of the European Union, in this respect implementing a reform that focused on three important areas, namely: the

⁵⁹ Nicholas Mossis, *Access to European Union: law, economics, policies. The ultimate textbook on the European Union*, (19th updated edition: Rixensart 2011), 54.

⁶⁰ Article 26 (former Article J.16) of *Maastricht Treaty*.

⁶¹ Article 24 (former Article J.14) of *Maastricht Treaty*.

⁶² Dan Vătăman, *Uniunea Europeană*, 71.

⁶³ *Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts* - Official Journal of the European Union C 80 of 10 March 2001.

⁶⁴ *Ibid*

composition and functioning of the European institutions, the decision-making procedure within the Council Ministers and strengthening cooperation between the institutions⁶⁵.

As regards institutional aspects, the Treaty leads to the extension of qualified majority voting in the Council, has already become the predominant rule in the Treaty of Amsterdam and extends with other material, both Community policy specific to institutional and policy matters External and Common Security (CFSP); establishes the establishment of a Social Protection Committee with a view to promoting cooperation in the field of social protection; modifies the weighting of votes in the Council of the European Union in most Member States and regulates the distribution of votes to 25 and then to 27 Member States; strengthens, within the European Commission, the powers of the President and the arrangements for appointing the Chair; modifies the division of powers between the European Court of Justice and the European Court of Justice and provides for the possibility of creating specialized judges; extends the use of the co decision procedure to the European Parliament and changes the number of Members appointed to each Member State or the future Member State; changes in the composition and manner of appointment of the members of the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions⁶⁶.

The Treaty of Nice has proven to be important through the new dimensions of the European integration process and by improving the decision-making processes due to the rapid expansion of the European Union. Particularly important are the provisions of the document regarding the new aspects of CFSP and fundamental rights on the one hand and, on the other hand, with regard to decision-making processes, the increased flexibility introduced for the enhanced cooperation system, the extension of majority voting qualified to the detriment of unanimity and redefining the weight and division of responsibilities between the different institutions⁶⁷.

5.3. The idea of the European constitutional project

The previous Treaties of Amsterdam (1997) and Nice (2001) represented steps forward that have prepared the Union for many transformations, but the changes introduced have proved to be insufficient. The governments of the Member States have therefore decided to launch a wider debate on the future of the European Union (EU), which has taken place around four key themes: the simplification of the Treaties, clearer delineation of competences between the Member States and the European Union, Charter of Fundamental Rights and the role of national parliaments⁶⁸.

At the end of 2001, the Member States adopted the Laeken Declaration, which stated the need for the Union to become "more democratic, more transparent and more effective". On these bases, in 2002 the works of the Convention on the Future of Europe, which took place between February 2002 and July 2003, under the chairmanship of Valéry Giscard d'Estaing, former President of France and former Member of the European Parliament, were launched. The Convention brought together representatives of national governments and parliaments from both the Member States and the candidate countries as well as representatives of the European Parliament and the European Commission. Romania also participated in these works. Following the debates, a draft Treaty establishing a Constitution for Europe was drafted.

This working document was negotiated at the level of the governments of the Member States at an Intergovernmental Conference (IGC), which debuted in October 2003 and finalized in June 2004 with the endorsement of a final version of the Treaty establishing a Constitution for Europe, that the Constitutional Treaty, signed on October 29, 2004 in Rome, ratified by 16 of the 25 member states, as well as by Romania and

⁶⁵ Octavian Manolache, *Tratatul de la Nisa de modificare a Tratatului privind Uniunea Europeana, a tratatelor ce instituie Comunitățile Europene și a unor Acte conexe*, (Bucharest: C.H Beck, 2002), 16.

⁶⁶ *Ibid*

⁶⁷ *Official Journal of the European Union C 80 of 10 March 2001*

⁶⁸ Augustin Fuerea, *Manualul Uniunii Europene*, (Bucharest: Universul Juridic, 2004), 17.

Bulgaria (which at that time were candidate countries) but could not enter into force, rejection of this document in 2005 by referendum in two states.

5.4. The Lisbon Treaty

Following the failure of the Constitutional draft, after long negotiations started in 2005, a new treaty was signed in Lisbon on 13 December 2007 by the 27 EU Member States, its official name being the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community⁶⁹. Because of the difficulties encountered following the ratification process in Member States such as Ireland, the Czech Republic or Poland, its entry into force was only possible from 1 December 2009, making it available to the Union through its legal framework and legal instruments in future European projects.

The Treaty of Lisbon clarifies for the first time the competences of the Union, distinguishing three types of competences: exclusive competence; competence shared with the Member States in a specific area; competence to carry out actions to support, coordinate or supplement the actions of the Member States.⁷⁰

As an element of novelty, it must be mentioned that by Lisbon Treaty reform was expressly recognized the legal personality of the European Union, distinct from the legal personality of the Member States⁷¹

6. Conclusions

On the 60th anniversary of the European Union, we can say that it is one of the main contemporary actors of international life, and it can be considered a landmark for the whole culture and civilization of mankind⁷². The European Union is an important center of humanity in all its aspects, with a high level of development in all areas - economic, industrial, financial, science, technical, educational, etc. and position themselves at a high level of civilization and culture. All these aspects require it as an evolutionary model that can be taken as an example⁷³, being one of the world's leading decision makers, playing an important role in international life and relationships.

Over the years, Europe of six has evolved towards the European Union 28 (or 27, remains to be seen). We must not forget that the European Union guarantees peace for 60 years. The European Union has proven over time that it was not just a political and economic project, but in a variety of concords ("unity in diversity") it also enjoyed a rich cultural and spiritual heritage marking the 60 years of existence.

At this anniversary moment we can firmly affirm that our united Europe promotes prosperity, growth in the economy and the creation of new jobs. We are convinced that the European Union will maintain its noble goals. We, European citizens look forward to the future with optimism because we believe or ought to believe in the current European construction that drew from a dream at a well-defined moment, reality. This European Union is not without problems, but over time it has proven itself capable of finding appropriate solutions to move forward.

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⁶⁹ *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community* - Official Journal of the European Union C 306, 17.12.2007, p. 1-271.

⁷⁰ Article 2 of the Treaty on the Functioning of the European Union (TFEU)

⁷¹ Article 47 of the Treaty on European Union (TEU)

⁷² Paul Craig, Grainne de Berca, *Dreptul Uniunii Europene. (Comentarii, Jurisprudență și Doctrină)*, IVth edition, (Bucharest: Hamangiu, 2009), 210.

⁷³ Ion M. Anghel, „România (starea acesteia) după un deceniu în Uniunea Europeană”, in *Journal of European studies and International relations*, new series, vol. 1, (Bucharest: Pro Universitaria, 2017).

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